

**COUNCIL MEETING NOTICE AND AGENDA
WEDNESDAY, NOVEMBER 19, 2014
9:45 A.M. OR SOON THEREAFTER**

COUNCIL CHAMBERS
HISTORIC COUNTY BUILDING
4396 RICE STREET, SUITE 201
LĪHUʻE, KAUAʻI, HAWAII 96766

RECEIVED

A. MEETING CALLED TO ORDER.

'14 NOV 13 P4:18

B. ROLL CALL.

OFFICE OF
THE COUNTY CLERK
COUNTY OF KAUAʻI

C. APPROVAL OF AGENDA.

D. PUBLIC COMMENT.

Pursuant to Council Rule 13(e), members of the public shall be allowed a total of eighteen (18) minutes on a first come, first served basis to speak on any agenda item. Each speaker shall be limited to three (3) minutes at the discretion of the Chair to discuss the agenda item and shall not be allowed additional time to speak during the meeting. This rule is designed to accommodate those who cannot be present throughout the meeting to speak when the agenda items are heard. After the conclusion of the eighteen (18) minutes, other members of the public shall be allowed to speak pursuant to Council Rule 12(e).

E. MINUTES of the following meeting of the Council:

1. October 15, 2014 Public Hearing re: Bill No. 2560

F. CONSENT CALENDAR:

1. C 2014-284 Communication (10/22/2014) from the County Engineer and the County Capital Improvement Project (CIP) Manager, transmitting for Council consideration, proposed amendments to Ordinance No. B-2014-782, as amended, relating to the Capital Budget of the County of Kauaʻi, for the Fiscal Year 2014-2015, by revising the amounts estimated in the Bond Fund. (*Moana Kai and Pono Kai Seawall – \$1,600,000*) (*See Proposed Draft Bill (No. 2563)*)
2. C 2014-285 Communication (10/30/2014) from the Housing Director, transmitting for Council consideration, proposed amendments to Ordinance No. B-2014-781, as amended, relating to the Operating Budget of the County of Kauaʻi, for the Fiscal Year 2014-2015, by revising the amounts estimated in the Housing and Community Development Revolving Fund (HCDRF). (*Housing Agency, Special Projects – \$35,877*) (*See Proposed Draft Bill (No. 2564)*)

3. C 2014-286 Communication (10/30/2014) from the County Engineer, transmitting for Council information, the following monthly Building Permit Reports for the months of May, June, July, August, and September 2014:
- (1) Building Permit Processing Report – Information on quantity and value of incoming applications, value of permits issued, and status of Revolving Fund;
 - (2) Building Permit Estimate Value Summary – Graph of Building Permit estimated values over a one (1) year period;
 - (3) Building Permit Tracking Report – Summary of processing times overall and by Agency for all permits issued during the reporting period; and
 - (4) Building Permits Status: All current open applications – Summary review times overall and by Agency for all outstanding permit applications.
(Copies on file in the County Clerk's Office.)
4. C 2014-287 Communication (11/07/2014) from the Director of Finance, transmitting for Council consideration, proposed amendments to Ordinance No. B-2014-781, as amended, relating to the Operating Budget of the County of Kaua'i, for the Fiscal Year 2014-2015, by revising the amounts estimated in the General Fund. Funds will be used by the Department of Finance, Real Property Assessment Division for Assessment Analyst software to assist with the identification and collection of data associated with unassessed improvements of real property. *(Real Property Assessment Software – \$100,000)*
(See Proposed Draft Bill (No. 2565))
5. C 2014-288 Communication (11/13/2014) from Council Chair Furfaro, transmitting for Council consideration, a Resolution supporting the preservation of the character of Hanalei Bay by restricting the use of large vessels that are operating within the Bay.
(See Resolution No. 2014-49)
6. C 2014-289 Communication (11/13/2014) from Council Chair Furfaro, transmitting for Council consideration, a Resolution supporting a low interest loan program to assist in the conversion of cesspools to septic systems for Kaua'i residents.
(See Resolution No. 2014-50)

G. COMMUNICATIONS:

1. C 2014-290 Communication (09/04/2014) from Councilmember Yukimura, requesting Council consideration, for the public release of the County Attorney opinion dated July 29, 2014, relating to Bill No. 2546, Draft 1.

2. C 2014-291 Communication (10/29/2014) from the Fire Chief, requesting Council approval to accept and utilize a donation from the Kaua'i Lifeguard Association (KLA), of two (2) All-Terrain Vehicles (ATVs), valued at seven thousand five hundred dollars (\$7,500) each for a total of fifteen thousand dollars (\$15,000).
3. C 2014-292 Communication (10/30/2014) from Council Chair Furfaro, requesting the presence of the Director of Economic Development, to provide the Council with a briefing and update relating to the Kilauea Agricultural Park.

H. CLAIMS:

1. C 2014-293 Communication (10/24/2014) from the Deputy County Clerk, transmitting a claim filed against the County of Kaua'i by Holly Finley, on behalf of Hawaiian Telcom, for damages to their property, pursuant to Section 23.06, Charter of the County of Kaua'i.
2. C 2014-294 Communication (10/24/2014) from the Deputy County Clerk, transmitting a claim filed against the County of Kaua'i by Stacy Trinh, Payment Recovery Examiner of GEICO Insurance as subrogee for Lindsay Yuh, for damages to her vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

I. COMMITTEE REPORTS:

1. PLANNING COMMITTEE:

- a. CR-PL 2014-10: on Bill No. 2461, Draft 3 A BILL FOR AN ORDINANCE TO AMEND CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE COMPREHENSIVE ZONING ORDINANCE (*Amendments to the Shoreline Setback Ordinance*)
[Approved as Amended.]

2. HOUSING & TRANSPORTATION COMMITTEE:

- a. CR-HT 2014-03: on HT 2014-03 Communication (10/09/2014) from Committee Chair Yukimura, requesting the presence of the Director of Economic Development, to provide a briefing on the North Shore Shuttle Initiative, which is related to Mayor Carvalho's Holo Holo 2020 Initiative. [Received for the Record.]

3. FINANCE & ECONOMIC DEVELOPMENT (TOURISM / VISITOR INDUSTRY / SMALL BUSINESS DEVELOPMENT / SPORTS & RECREATION DEVELOPMENT / OTHER ECONOMIC DEVELOPMENT AREAS) COMMITTEE:

- a. **CR-FED 2014-38:** on Bill No. 2546, Draft 2 A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAXES (*Agronomics / Agricultural Use Definition / Reporting*) [Referred to Council.]
- b. **CR-FED 2014-39:** on Bill No. 2557, Draft 1 A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAXES (*Low Income Tax Credit*) [Approved as Amended.]
- c. **CR-FED 2014-40:** on Bill No. 2559, Draft 1 A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAXES (*Tax On Use*) [Amended to Bill No. 2559, Draft 2; Received for the Record.]
- d. **CR-FED 2014-41:** on Bill No. 2561 A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2014-781, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2014 THROUGH JUNE 30, 2015, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (*Office of the County Attorney, Special Counsel Account - \$67,933*) [Approved.]

4. COMMITTEE OF THE WHOLE:

- a. **CR-COW 2014-14:** on COW 2014-05 Communication (10/16/2014) from Council Chair Furfaro, requesting the presence of the County Engineer, to provide an update on the County of Kauai's office space needs. [Received for the Record.]

J. RESOLUTIONS:

1. Resolution No. 2014-49 – RESOLUTION PRESERVING THE CHARACTER OF HANALEI BAY BY RESTRICTING USE OF LARGE VESSELS WITHIN THE BAY

2. Resolution No. 2014-50 – RESOLUTION SUPPORTING A LOW INTEREST LOAN PROGRAM TO ASSIST IN THE CONVERSION OF CESSPOOLS TO SEPTIC SYSTEMS FOR KAUAI RESIDENTS

K. BILLS FOR FIRST READING:

1. Proposed Draft Bill (No. 2563) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2014-782, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2014 THROUGH JUNE 30, 2015, BY REVISING THE AMOUNTS ESTIMATED IN THE BOND FUND (*Moana Kai and Pono Kai Seawall – \$1,600,000*)

2. Proposed Draft Bill (No. 2564) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2014-781, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2014 THROUGH JUNE 30, 2015, BY REVISING THE AMOUNTS ESTIMATED IN THE HOUSING AND COMMUNITY DEVELOPMENT REVOLVING FUND (*Housing Agency, Special Projects – \$35,877*)

3. Proposed Draft Bill (No. 2565) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2014-781, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2014 THROUGH JUNE 30, 2015, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (*Real Property Assessment Software – \$100,000*)

L. BILLS FOR SECOND READING:

1. Bill No. 2461, Draft 4 – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE COMPREHENSIVE ZONING ORDINANCE (*Amendments to the Shoreline Setback Ordinance*) (*See also CR-PL 2014-10; the Planning Committee recommended approval as amended to Bill No. 2461, Draft 4 on November 12, 2014.*)

2. Bill No. 2546, Draft 2 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAXES (*Agronomics / Agricultural Use Definition / Reporting*) (*See also CR-FED 2014-38; the Finance & Economic Development (Tourism / Visitor Industry / Small Business Development / Sports & Recreation Development / Other Economic Development Areas) Committee recommended referral to the November 19, 2014 Council Meeting.*)

3. Bill No. 2557, Draft 2 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAXES (*Low Income Tax Credit*) (See also CR-FED 2014-39; the Finance & Economic Development (Tourism / Visitor Industry / Small Business Development / Sports & Recreation Development / Other Economic Development Areas) Committee recommended approval as amended to Bill No. 2557, Draft 2 on November 12, 2014.)

4. Bill No. 2559, Draft 2 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAXES (*Tax On Use*) (See also CR-FED 2014-40; the Finance & Economic Development (Tourism / Visitor Industry / Small Business Development / Sports & Recreation Development / Other Economic Development Areas) Committee recommended Bill No. 2559, Draft 2 be received for the record.)

5. Bill No. 2561 – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2014-781, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2014 THROUGH JUNE 30, 2015, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (*Office of the County Attorney, Special Counsel Account - \$67,933*) (See also CR-FED 2014-41; the Finance & Economic Development (Tourism / Visitor Industry / Small Business Development / Sports & Recreation Development / Other Economic Development Areas) Committee recommended approval on second and final reading.)

M. EXECUTIVE SESSION: Pursuant to Hawai'i Revised Statutes (HRS) §92-7(a), the Council may, when deemed necessary, hold an Executive Session on any agenda item without written public notice if the Executive Session was not anticipated in advance. Any such Executive Session shall be held pursuant to HRS §92-4 and shall be limited to those items described in HRS §92-5(a). (Confidential reports on file in the County Attorney's Office and/or the County Clerk's Office. Discussions held in Executive Session are closed to the public.)

1. ES-772 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), and Kauai County Charter Section 3.07(E), the Office of the County Attorney, requests an Executive Session with the Council, to provide the Council with a briefing and request for authority to settle the case of Ernesto G. Pasion vs. County of Kauai, et al., Civil No. 13-1-0340 (Fifth Circuit Court), and related matters. This briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

2. ES-773 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), the Office of the County Attorney, on behalf of the Council, requests an Executive Session for the Council to consult with the County Attorney regarding 1) the fact finding/investigation on three parcels of real property, Tax Map Keys (4) 3-3-018-002, (4) 3-8-004-001 and (4) 3-7-001-001, concerning each parcel's compliance with the Agricultural Dedication Ordinance and the Sediment and Erosion Control Ordinance (Grubbing, Grading and Stockpiling) and related matters and 2) the process for an investigation pursuant to Section 3.17 of the Charter of the County of Kaua'i and related matters. This briefing and consultation involves the consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

N. ADJOURNMENT.

- O. NOTE: SPECIAL ACCOMMODATIONS AND SIGN LANGUAGE INTERPRETER AND INTERPRETERS FOR NON-ENGLISH SPEAKING PERSONS ARE AVAILABLE UPON REQUEST FIVE (5) DAYS PRIOR TO THE MEETING DATE, TO THE COUNTY CLERK, 4396 RICE STREET, SUITE 209, LĪHU'E, KAUA'I, HAWAI'I 96766. TELEPHONE NO. (808) 241-4188. FACSIMILE NO. (808) 241-6349.